

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
	:	
Approval of materials produced by	:	99-0139
the Consumer Education Working	:	
Group pursuant to Section 16-117 of	:	
the Public Utilities Act and setting re-	:	
quirement for distribution of said	:	
materials	:	

ORDER

By the Commission

Section 16-117 of the Public Utilities Act was added by P.A. 90-561, as part of the Electric Service Customer Choice and Rate Relief Law of 1997. Section 16-117 mandates the creation of an Illinois Commerce Commission ("Commission") consumer education program. This task is to be accomplished by a consumer education Working Group, the membership of which is detailed in the statute. The Section 16-117(e) requires the following:

At a minimum, the materials constituting the consumer education program submitted to the Commission by the Working Group shall include concise explanations or descriptions of the following:

- (1) the structure of the electric utility industry following this amendatory Act of 1997 and a glossary of basic terms;
- (2) the choices available to consumers to take electric service from an alternative retail electric supplier or remain as a retail customer of an electric utility;
- (3) a customer's rights, risks and responsibilities in receiving service from an alternative retail electric supplier or remaining as a retail customer of an electric utility;
- (4) the legal obligations of alternative retail electric suppliers;
- (5) those services that may be offered on a competitive basis in a deregulated electric services market, including services

that could be packaged with the delivery of electric power and energy;

(6) services that an electric utility is required to provide pursuant to tariffed rates;

(7) the components of a bill that could be received by a customer taking delivery services;

(8) the complaint procedures set forth in Section 10-108 of this Act by which consumers may seek a redress of grievances against an electric utility or an alternative retail electric supplier and a list of phone numbers of the Commission, the Attorney General or other entities that can provide information and assistance to customers; and

(9) additional information available from the Commission upon request.

In a series of resolutions, the Commission established the Working Group in line with the dictates of statute. The Working Group submitting the materials to the Commission consisted of David Vite, President of the Illinois Retail Merchants Association; Kim Maisch, State Director of the National Federation of Independent Business; and Rob Kelter of Citizens Utility Board, representing the interests of consumers; Freddi Greenberg of the Midwest Independent Power Suppliers; and Philip O'Connor, President of NEV Midwest L.L.C., d/b/a New Energy Ventures, representing the interests of alternative retail electric suppliers; Irma Zaragoza and Ken McFarland of Commonwealth Edison, Laurie Karman of Ameren Corporation; Steve Stengel of Illinois Power; and Kelly Sankey of MidAmerican Energy Company, representing the interests of investor-owned public utilities. Commission staff members are Joan Howard and Debi Barr-Holquist, who serves as chairman of the Working Group.

On March 1, 1999, the Working Group submitted its finished product to the Commission. Under the terms of subsection (f):

Within 45 days following the submission required of the Working Group by subsection (d) of this Section, the Commission shall approve or disapprove the educational materials and recommendations for program implementation. The Commission shall be deemed to have approved the educational program materials and recommendations unless the Commission disapproves of any such material or recommendation within 45 days following the date of receipt.

In a Staff Report dated March 4, 1999, the Consumer Services Division of the Commission detailed the efforts of the Working Group in creating the statutorily-

required materials. Attached to the Staff Report were copies of the materials submitted to the Commission on March 1, 1999. The Staff Report recommends that the Commission approve the submitted materials.

Regarding distribution of the materials, Section 16-117(g) reads in relevant part:

(g) Once approved by the Commission, materials comprising the consumer education program contemplated by this Section shall be distributed as follows:

(1) Electric utilities shall mail printed educational materials specified by the working group and approved by the Commission (a) to all residential and small commercial retail customers within a reasonable period prior to the date that such customers become eligible to purchase power from alternative retail electric suppliers, such "reasonable period" to be determined by the Commission; and (b) once the applicable customer class becomes eligible to receive delivery services, to all new residential and small commercial retail customers at the time that such customers begin taking services from the electric utility.

(2) Alternative retail electric suppliers shall include such materials with all initial mailings to potential residential and small commercial retail customers but in all circumstances prior to the time by which an alternative retail electric supplier executes any agreements or contracts with such customers for the supply of electric services.

In Docket 98-0650, the Commission has set up the framework for a lottery in which customers can become eligible to purchase power from alternative retail electric suppliers. That Order requires two mailings from the utilities to customers describing the lottery process. The first must be sent to non-residential customers by March 26 and the second by May 15. Since customers must register if they wish to be considered for eligibility in the lottery, the Working Group has expressed the need to make mandated consumer education material available on an expedited basis. The Commission is in agreement with this. Since there will not be sufficient time to have the materials printed and distributed to the subject utilities for a March 26 mailing, it is reasonable to require that the materials be distributed to the small commercial retail customers prior to the second lottery mailing.

The Commission, being fully advised in the premises, is of the opinion and finds that:

(1) the Commission has jurisdiction over the subject matter herein;

- (2) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) the Staff Report dated March 4, 1999 should be made a part of the record of this proceeding;
- (4) the materials that the Working Group submitted to the Commission on March 1, 1999 should be approved as submitted;
- (5) that the electric utilities subject to the jurisdiction of the Commission should be made parties to this proceeding;
- (6) the approved materials should be sent by electric utilities to small commercial retail customers by May 15, 1999 as recommended by the Working Group.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the materials submitted to the Commission by the Working Group, as reflected in Exhibits A and B to the Staff Report, are approved pursuant to Section 16-117 of the Public Utilities Act.

IT IS FURTHER ORDERED that the materials approved in this Order be sent by those electric utilities under the jurisdiction of the Commission to small commercial retail customers by May 15, 1999

IT IS FURTHER ORDERED that the Staff Report dated March 4, 1999 be made a part of the record in this proceeding.

IT IS FURTHER ORDERED that the electric utilities subject to the jurisdiction of the Commission are made parties to this proceeding.

IT IS FURTHER ORDERED that this Order is final; it is not subject to the Administrative Review Law.

IT IS FURTHER ORDERED that a copy of this Order be served upon each electric utility under the jurisdiction of the Commission.

By order of the Commission this 10th day of March, 1999.